

ORDINANCE NO. 1411-18

AN ORDINANCE RELATING TO ACCESSORY DWELLING UNITS; AND AMENDING TUALATIN DEVELOPMENT CODE SECTIONS 31.060, 31.071, 34.300, 34.310, AND 73.050.

WHEREAS, the City of Tualatin currently allows attached accessory dwelling units in certain residential planning districts;

WHEREAS, the Oregon Legislature enacted Senate Bill 1051, which requires cities to allow attached and detached accessory dwelling units, along with other requirements; and

WHEREAS, the Council wishes to amend the Tualatin Development Code (TDC) to comply with the requirements of Senate Bill 1051.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The definition of Accessory Dwelling Unit in TDC Section 31.060 (Definitions) is amended to read as follows:

Accessory Dwelling Unit (ADU). An interior, attached, or detached residential structure that is accessory to, a single family dwelling ~~A living area in a detached single family dwelling in the RL District or in a Small Lot Subdivision in the RML District that is in the single family dwelling building, but functions as a separate living area from the other living area in the detached single family dwelling.~~ An Accessory Dwelling Unit is not a separate dwelling unit for density purposes.

Section 2. TDC Section 31.071 (Architecture Review Procedure) is amended to read as follows:

Section 31.071 Architectural Review Procedure

(1) An applicant for a building or other permit subject to architectural review, except Level I (Clear and Objective) Single-family Architectural Review, Accessory Dwelling Unit Review, and Sign Design Review, shall discuss preliminary plans with the Community Development Director and City Engineer in a pre-application conference prior to submitting an application. An applicant for Architectural Review of a development in the Central Design District shall conduct a Neighborhood Meeting subject to TDC 31.071(5). An applicant for Architectural Review of a development in other parts of the City shall conduct a Neighborhood/Developer Meeting subject to TDC 31.063. An applicant for Single-family Architectural Review shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(7). An applicant for an Accessory Dwelling Unit Review shall follow the clear and objective Accessory Dwelling Unit Review procedures subject to TDC 31.071 (9) and TDC 34.310(2). An applicant for Sign Design Review shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to TDC 31.071(8). Following the pre-application conference and the Neighborhood/Developer Meeting, the applicant shall submit to the Community Development Director an Architectural Review Plan application which shall contain:

- (a) The project title;
- (b) The names, addresses and telephone numbers of the property owners, applicants, architect, landscape architect and engineer;
- (c) The signatures of the property owners and applicants;
- (d) The site address and the assessor's map number and tax lot number;
- (e) A Service Provider Letter from Clean Water Services indicating a "Stormwater Connection Permit Authorization Letter" will likely be issued;
- (f) Any necessary wetland delineations applicable to the site;
- (g) Any Fill/Removal Permit issued by the Oregon Division of State Lands and the Army Corps of Engineers;
- (h) The application fee as established by City Council resolution;
- (i) A site plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the proposed layout of all structures and other improvements including, where appropriate, driveways, pedestrian walks, landscaped greenways, mixed solid waste and recyclables storage and railroad tracks. A site plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the Community Development Director. The site plan shall illustrate the location of existing structures, existing facility utilities, and whether they will be retained as part of the project. The site plan shall indicate the location of entrances and exits, pedestrian walkways and the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth, and areas of turning and maneuvering vehicles. The site plan shall indicate how utility service and drainage are to be provided. The site plan shall also indicate conditions and structures on adjacent properties sufficient to demonstrate that the proposed development is coordinated with existing or proposed developments on adjacent properties. Where the applicant proposes to change the existing topography, then a proposed grading plan shall be submitted drawn at a scale of 1":10', 1":20' or 1":30'. Trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on site shall be indicated on the grading plan.
- (j) A landscape plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location of existing trees having a trunk diameter of eight inches or greater, as measured at a point four feet above ground level, proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain trees and plant materials.
- (k) Architectural drawings or sketches, drawn at a scale of 1/16":1', 1/8":1' or 1/4":1', including floor plans, in sufficient detail to permit computation of yard requirements and

showing all elevations of the proposed structures and other improvements as they will appear on completion of construction. Building perspectives may also be needed.

(l) Specifications as to type, color and texture of exterior surfaces of proposed structures.

(m) A public utility facilities plan, drawn at a scale of 1":10', 1":20' or 1":30', showing the location, size and grade of all existing and proposed utility facilities, including but not limited to sanitary and storm sewers; water lines and fire hydrants; streets and sidewalks; water quality swales, traffic study information as required by the City Engineer pursuant to TDC 74.440 and other utility facilities as required by the City Engineer. A grading plan at a scale of 1":40' or 1":50' for larger developments may be substituted for the above stated scales as directed by the City Engineer.

(n) Developments in the Central Design District shall provide the Neighborhood Meeting notes and evidence of the notice and posting required in TDC 31.071(5) and shall provide narrative statements considering each of the Design Guidelines in TDC 73.610.

(o) A completed City fact sheet on the project.

(p) An 8½" x 11" black and white site plan suitable for reproduction.

(q) A letter from the franchise solid waste and recycling hauler reviewing the proposed solid waste and recyclables method and facility.

(r) A Clean Water Services Service Provider Letter or Pre-screen for the proposed development.

(s) An acoustical engineer's report as required by the Community Development Director.

(t) the information on the Neighbor-hood/Developer meeting specified in TDC 31.063(10).

(u) If a railroad-highway grade crossing provides or will provide the only access to the subject property, the applicant must indicate that fact in the application, and the City must notify ODOT Rail Division and the railroad company that the application has been received.

(2) Excepting Level I (Clear and Objective) Single-family Architectural Review and clear and objective Accessory Dwelling Unit Review, the applicant shall provide a list of mailing recipients pursuant to TDC 31.064(1).

(3) Excepting Level I (Clear and Objective) Single-family Architectural Review and clear and objective Accessory Dwelling Unit Review, the applicant shall post a sign pursuant to TDC 31.064(2).

(4) For an application to be approved, it shall first be established by the applicant that the proposal conforms to the Tualatin Development Code, and applicable City ordinances and regulations. For Expedited Architectural Review Plan Applications the application shall describe the manner in which the proposal complies with each of the expedited criterion for an Expedited Application. Failure to conform is sufficient reason to deny the application.

(5) Excepting Level I (Clear and Objective) Single-family Architectural Review and clear and objective Accessory Dwelling Unit Review, the applicant shall hold a Neighborhood/Developer meeting pursuant to TDC 31.063 and meet the additional requirement that the Neighborhood/Developer Meeting shall be held within the Central Design District.

(6) The Community Development Director may require information in addition to that stated in this section.

(7) An applicant for a new Single-family dwelling or an addition or alteration to an existing Single-family dwelling when it results in a 35% or more expansion of the structure's existing footprint or a new second or higher story or a 35% or more alteration of an existing wall plane (except for the wall plane of a side of the dwelling located in a side yard where the side yard of the dwelling abuts the side yard of an adjacent dwelling) shall follow Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review procedures subject to TDC 31.071(9), this section. An application for Level I (Clear and Objective) or Level II (Discretionary) Single-family Architectural Review shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

~~(a) Level I (Clear and Objective) Single-family Architectural Review application:~~

~~(i) A completed City fact sheet;~~

~~(ii) The names, addresses, and telephone numbers of the property owners and applicants;~~

~~(iii) The signatures of the property owners and applicants;~~

~~(iv) The site address and the assessor's map number and tax lot number;~~

~~(v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and~~

~~(vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling and including a calculation of the percentage of window coverage (glazing) for each elevation.~~

~~(b) Level II (Discretionary) Single-family Architectural Review application:~~

~~(i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);~~

~~(ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;~~

~~(iii) A narrative statement that describes the manner in which the proposed development meets each of the approval criteria set forth in TDC 73.190;~~

~~(iv) Neighborhood/Developer Meeting information specified in TDC 31.063(10);~~

~~(v) A verified statement showing that required signage, as described in TDC 31.071(2), has been posted on the property in a conspicuous location; and~~

~~(vi) Current notification information for all owners of property described pursuant to TDC 31.064(1).~~

(8) Attached or detached Accessory Dwelling Units use only the Clear and Objective- Accessory Dwelling Unit review process in TDC 31.071 (9) and TDC 34.310.

(9) An application for Level I (Clear and Objective- SF), Level II (Discretionary) Single-family Architectural Review or an Accessory Dwelling Unit Review must be filed on form(s) provided by the Community Development Director, must be accompanied by a filing fee established by Council resolution, and must be accompanied by the following information and submittals:

(a) Level I (Clear and Objective) Single-family Architectural Review application and Accessory Dwelling Unit Review application must include:

(i) A completed City fact sheet;

(ii) The names, addresses, and telephone numbers of the property owners and applicants;

(iii) The signatures of the property owners and applicants;

(iv) The site address and the assessor's map number and tax lot number;

(v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, roof lines, deck/porch/balcony lines, impervious ground surfaces, driveway location and driveway slope, and trees 8" or greater in diameter; and

(vi) Three copies of building elevations, drawn to scale, for all sides of the dwelling. Single Family reviews only must include a calculation of the percentage of window coverage (glazing) for each elevation.

(b) Level II (Discretionary) Single-family Architectural Review application must include:

(i) All information required for Level I Single-family Architectural Review in TDC 31.071(7)(a);

(ii) One black and white copy (no larger than 11"x17") of each submittal, of a size suitable for reproduction and distribution;

(iii) A narrative statement that describes the manner in which the proposed development meets each of the approval criteria set forth in TDC 73.190;

(iv) Neighborhood/Developer Meeting information specified in TDC 31.063(10);

(v) A verified statement showing that required signage, as described in TDC 31.071(2), has been posted on the property in a conspicuous location; and

(vi) Current notification information for all owners of property described pursuant to TDC 31.064(1).

~~(8)~~ (10) An applicant for a new freestanding monument or pole sign or a replacement or renovation of a non-conforming freestanding monument or pole sign in CC/CG Planning Districts subject to TDC 35.210 shall follow Level 1 (Clear and Objective) Sign Design Review procedures subject to this section. An Application shall be filed on form(s) provided by the Community Development Director, shall be accompanied by a filing fee established by Council resolution, and shall be accompanied by the following information and submittals:

(a) Level 1 (Clear and Objective) Sign Design Review Application:

(i) A completed City fact sheet;

(ii) The names, addresses, and telephone numbers of the property owners and applicants;

(iii) The signatures of the property owners and applicants;

(iv) The site address and the assessor's map number and tax lot number;

(v) Three copies of a plot plan (minimum size 8.5"x11") drawn to a legible scale, which includes north arrow, scale, property lines or lot lines, public and/or private easements, lot dimensions, setbacks, structure footprint, driveway & access locations, and trees 8" or greater in diameter; and

(vi) Three copies of sign elevations, drawn to scale, for each side of the sign and including exterior sign design & materials with calculation of the sign height, sign base & face dimensions, sign face height, sign face area and the areas of exterior materials.

Section 4. TDC Section 34.300 (Accessory Dwelling Units) is amended to read as follows:

Section 34.300 Accessory Dwelling Units - Purpose. The purpose of accessory dwelling units is to:

- (1) Provide needed space for elderly family members or returning adult children;
- (2) Encourage affordable housing units;
- (3) Allow small households to retain large houses as residences;
- (4) Permit young households to achieve home ownership; and
- (5) Encourage living areas that minimally affect the quality or character of existing neighborhoods.

Section 34.310 Accessory Dwelling Unit Review Clear and Objective - Standards and Criteria.

(1) All accessory dwelling units must comply with the following standards:

(a)(1) An Accessory dwelling units shall be either within a detached single family dwelling, or be in, or partly in, an addition to a detached single family dwelling, are only allowed in the RL Planning District or in the RML Planning District in a Small Lot Subdivision.

(b) The accessory dwelling unit must be on the same lot as the primary structure.

(c)(2) Only one accessory dwelling unit is allowed per dwelling.

(d) One additional paved on-site parking space must be provided for the accessory dwelling unit and the space must not be within five feet of a side or rear property line. This requirement is in addition to the parking spaces required in TDC 73.370 for detached single family dwelling units.

(e) The accessory dwelling unit must not be sold separate from the single family dwelling or as a condominium.

(f) The accessory dwelling unit must comply with all applicable Oregon State Building Code Requirements.

(g)(3) An accessory dwelling unit must not exceed 50% of the gross floor area (house and garage) of the existing detached single-family dwelling up to a maximum of 800 square feet.

~~(h) (4)~~ Neither a garage or a former garage may be converted to an accessory dwelling unit.

~~(5)~~ In addition to the parking spaces required in TDC 73.370 for the detached single-family dwelling, one paved on-site parking space must be provided for the accessory dwelling unit and the space must not be within five feet of a side or rear property line.

~~(i) (6)~~ The accessory dwelling unit's front door must not be located on the same street frontage as the detached single family dwelling's front door unless the door for the accessory dwelling unit already exists.

~~(j) (7)~~ The accessory dwelling unit must not be sold separate from the single family dwelling or as a condominium.

~~(k) (8)~~ The accessory dwelling unit must be served by the same water meter as the single family dwelling.

~~(l) (9)~~ The accessory dwelling unit must be served by the same electric meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

~~(m) (10)~~ The accessory dwelling unit must be served by the same natural gas meter as the single family dwelling, unless other applicable requirements, such as building codes, prohibit it.

~~(n) (11)~~ The An attached accessory dwelling unit must be connected to the single family dwelling by an internal doorway.

~~(o) (12)~~ If the gross floor area of the existing single family dwelling is to be enlarged when an accessory dwelling unit is created, the proposed enlargement must be reviewed through the Architectural Review process, and not increase the gross floor area of the single family dwelling more than 10% and it must be of the same or similar architectural design, exterior materials, color and roof slope as the single family dwelling.

~~(13)~~ When the accessory dwelling unit is proposed to be created and if no enlargement of the existing single family dwelling is proposed, the owner of the single family dwelling within which the accessory dwelling unit is to be located must notify the Community Development Director by letter that an accessory dwelling unit is proposed. The letter must state the owners name and mailing address, address of the accessory dwelling unit, the gross square footage of the single family dwelling and the gross square footage of the accessory dwelling unit.

(p) An accessory dwelling unit must provide at least two Residential Roof Design Elements from Clear and Objective Standards Section 73.190(iv), and at least four Residential Wall Design Elements from Section 73.190(v).

(q) An accessory dwelling unit must not be located in front of the primary structure.

(2) Criteria for Accessory Dwelling Unit Review:

(a) Any accessory dwelling unit proposed on a historically designated property must fully comply with Chapter 68.

(b) The accessory dwelling unit must comply with TDC 34.310(1).

(c) The accessory dwelling unit must comply with all applicable zoning standards, including but not limited to setbacks and lot coverage.

Section 5. TDC Section 73.050 (Criteria and Standards) is amended to read as follows:

Section 73.050 Criteria and Standards

(1) In exercising or performing his or her powers, duties, or functions, the Community Development Director shall determine whether there is compliance with the following:

(a) The proposed site development, including the site plan, architecture, landscaping, parking and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height, and appearance of the proposed development are involved;

(b) The proposed design of the development is compatible with the design of other developments in the general vicinity; and

(c) The location, design, size, color and materials of the exterior of all structures are compatible with the proposed development and appropriate to the design character of other developments in the vicinity.

(2) In making his or her determination of compliance with the above requirements, the Community Development Director shall be guided by the objectives and standards set forth in this chapter. If the architectural review plan includes utility facilities or public utility facilities, then the City Engineer shall determine whether those aspects of the proposed plan comply with applicable standards.

(3) In determining compliance with the requirements set forth, the Community Development Director shall consider the effect of his or her action on the availability and cost of needed housing. The Community Development Director shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Community Development Director from imposing conditions of approval necessary to meet the requirements of this section. The costs of such conditions shall not unduly increase

the cost of housing beyond the minimum necessary to achieve the purposes of this Code. As part of the Architectural Review process, the Community Development Director has no authority to reduce dwelling unit densities.

(4) As part of Architectural Review, the property owner may apply for approval to remove trees, in addition to those exemptions allowed in TDC 34.200(3), by submitting information concerning proposed tree removal, pursuant to TDC 34.210(1). The granting or denial of a tree removal permit shall be based on the criteria in TDC 34.230.

(5) Conflicting Standards. In addition to the MUCOD requirements, the requirements in TDC Chapter 73 (Community Design Standards) and other applicable Chapters apply. If TDC Chapters 57, 73 and other applicable Chapters, conflict or are different, they shall be resolved in accordance with TDC 57.200(2).

(6) Criteria listed above do not apply to accessory dwelling units. Criteria for accessory dwelling units are found in Section 34.310 (Accessory Dwelling Unit Review Clear and Objective- Standards and Criteria).

Section 6. Findings. The Council adopts as its findings, the *Analysis and Findings*, which are attached as Exhibit 1 and incorporated by reference.

Section 7. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

ADOPTED this 23rd day of July, 2018.

CITY OF TUALATIN OREGON

BY

Mayor

APPROVED AS TO LEGAL FORM

BY

City Attorney

ATTEST

BY

City Recorder

EXHIBIT 1

Ordinance No. 1411-18

PTA-18-01

ANALYSIS & FINDINGS

Plan Text Amendment 18-01 (PTA18-01) amends the Tualatin Development Code (TDC) to address recent changes to Oregon Revised Statutes (ORS) regulating accessory dwelling units (ADU). Senate Bill 1051 (SB1051) requires that cities update their codes to allow at least one accessory dwelling unit for each detached single-family dwelling unit in zones that permit single family dwellings. In addition SB 1051 requires that cities allow interior, attached and detached accessory dwelling units based on clear and objective standards.

The proposed revisions are the minimum required in order to be consistent with the State Code. In workshops with the Planning Commission and City Counsel, staff was directed to make only the minimum changes because there was clearly a much larger interest in discussing many policy changes related to affordable housing and accessory dwelling units, including a larger discussion on impact fees; however, this proposed change is intended as a policy neutral code fix to meet the new State Law. A larger effort to address more comprehensive changes will follow.

It's important to understand what the State changes require and do not require. While they do require that Cities allow ADU's they also permit Cities to create standards and Cities may use a 'process' to permit them. Based on the new State ORS, setbacks, lot coverage and other **non-subjective** standards **can** still apply, even if that would result in not permitting an accessory dwelling unit as long as the standard is reasonable. For example, if a single family home was requesting to build a detached 800 square foot ADU, but the lot was only 5,000 square feet, the existing home with the ADU may exceed the allowed lot coverage. In this case, adding a detached ADU might not be possible.

The City of Tualatin currently permits ADU's, but only interior and attached and they have several subjective standards that currently apply. The proposed revisions will remove all subjective standards, substitute only clear and objective standards, and permit detached ADU's in addition to attached.

The State ORS changes also permit the City to use a review process to ensure the clear and objective standards are met. ADU's in Tualatin were previously processed using a process that allowed an ADU to go straight to building permit unless it exceed certain standards, then it would go through the Level 1 Architectural Review Process, which is a staff Level review. There are also currently options in the City Code that would allow a more subjective review by the Architectural Review Board using a Level II Architectural Review. The ability to use a Level II review for an ADU has been eliminated in this proposal to help ensure each review is only using clear and objective standards in order to streamline the regulatory and administrative process.

The Analysis and Findings presented here pertain only to the Plan Text Amendment (PTA) proposed to amend language in TDC Chapters 31, 34, and 73.

Plan Amendment Criteria (TDC Section 1.032)

The approval criteria in the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PTA is to be approved. The plan amendment criteria are addressed below.

1. Granting the amendment is in the public interest.

The Oregon State Legislature, Metro, and many other agencies have indicated that Oregon is in need of more affordable housing. Families and individuals with low-incomes are in the greatest need. Apartments address part of this concern; however another highly cost effective solution can be addressing the "missing middle." The missing middle housing types may fall somewhere in between large apartment buildings and single-family homes; the middle category may include, for example, townhouses, duplexes, smaller court yard apartments and accessory dwelling units. The State has recently passed legislation (SB1051) intended to help remove barriers to one of these housing types - accessory dwelling units. The idea is that if a homeowner can easily add an accessory dwelling unit to their property, smaller than the primary dwelling that there will be more homeowners willing to build these units and possibly rent them out. Further, they will be placed in existing communities that already have infrastructure like streets, water and sewer connections that are already sized to accommodate the small increases in density that an ADU would bring. Therefore, ADU's are a highly efficient way to add housing that is often more affordable than other types of housing which provides a significant public benefit with minimal impact.

In order to expedite the required code changes, the proposed code text change alters only the minimum required text in order to be consistent with State law. A more comprehensive policy change discussion will follow this effort.

As granting the amendment is in the public interest, Criterion "1" is met.

2. The public interest is best protected by granting the amendment at this time.

As discussed for Criterion "1" above, the objective of the proposed amendment is to meet State requirements. Because Tualatin already allows ADUs, this amendment simply refines that language to be in compliance with State law. The State has determined that this required change is in the public interest, this text change is simply implementing the State requirement. Additionally, the proposed text change is in the public interest for Tualatin because the City has a vacancy rate that is lower than a balanced market according to a housing inventory done in 2017 for Tualatin (see attached study Exhibit 1).

Regarding the timing, the State explained in a March 2018 the ADU guidance document from Oregon's Department of Land Conservation and Development states: "As housing prices go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up." Therefore, first, the timing is critical to remove some of the barriers to ADUs to help increase their construction as one solution to increase housing affordability. Second, the State Law, SB 1051, goes into effect on July 1, 2018. Should these proposed text changes not be in effect at that time, then detached ADU's would be permitted in Tualatin without the City having any standards in place.

Therefore, granting the amendment at this time best protects the public interest, and Criterion "2" is met.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

The Tualatin Community Plan in Chapter 4, Community Growth, lists goals and objectives of the plan. These include objectives to:

- Cooperate with Metro, State, and County plans to help them implement their goals, such as

the goal of addressing affordable housing through ADU's. (Section 4.050(2), (3), (11), (14), and (22))

This change is intended to comply with the changes in State law. Criterion "3" is met.

4. The following factors were consciously considered:

The various characteristics of the areas in the City.

The proposed amendment is being required by the State because of the many perceived benefits of using ADU's to help address the need for housing affordability. As discussed above, ADU's can be added to the existing communities in Tualatin in a way that will let them capitalize on the existing infrastructure. These proposed amendments include standards that will help assure that any ADU's will not be visually detracting to existing neighborhoods. Additional off-street parking is currently required, thus putting less pressure on on-street parking needs. Specific clear and objective standards are required to help assure a high level of visual appeal. Using these tools will help maintain the character of the existing neighborhoods.

The suitability of the area for particular land uses and improvements.

As stated above, the benefit of ADU's is that they use existing infrastructure to feather in additional populations where no additional infrastructure would be needed. ADU's will only be allowed in the RL & RML with small lot subdivisions.

Trends in land improvement and development.

The proposed changes are required by the State. Metro, Washington County and several other organizations are pushing to use all possible tools to address the rapidly rising costs of housing. ADU's will not solve the problem alone, but will help add flexibility and options where they are needed.

Property Values.

An ADU is an improvement to a property. Adding improvements of any kind to a property typically increases the value of the property. It is not known precisely how the addition of an ADU will affect the neighboring properties, though generally ADU's have gained popularity elsewhere in the Metro area over time. Staff has addressed this by applying consistent standards, the same clear and objective developments standards that are required for single-family dwellings today to ADU's. Using the application of the same standards helps assure that the quality of the ADU's will be similar or better than those of the associated primary home, thus addressing property values.

The needs of economic enterprises and the future development of the area.

The proposed code amendments are related to ADU's which are only permitted wherever a single-family home is permitted. As such, they are not permitted in commercial or industrial areas. They should not affect the economic enterprises except to provide short-term work for contractors through construction.

Needed right-of-way and access for and to particular sites in the area.

As was previously mentioned, construction of ADU's will not require any additional infrastructure, including streets or access.

Natural resources of the City and the protection and conservation of said resources.

As was previously mentioned, an ADU can only be added to a property that already has an existing single-family house. All proposed ADU's will be reviewed by staff to ensure that they are not proposed in locations where natural resources may be impacted. Additionally, new developments have the possibility of impacting existing resources whereas ADU's are only permitted where development already exists. This makes ADU's potentially less impactful than other types of housing development, such as new apartment complexes.

Prospective requirements for the development of natural resources in the City.

See above.

And the public need for healthful, safe, aesthetic surroundings and conditions.

Because ADU's will be placed within existing residential planning districts, they are largely assured to meet this factor. Generally, all existing development has been previously reviewed to assure they are healthful, safe and aesthetic; though each will be reviewed to assure standards are met. The same standards applied to single-family homes that are applied to ADU's such as setbacks.

Proof of change in a neighborhood or area.

The request is not proposed to address any deficiencies in existing neighborhoods.

Mistake in the Plan Text or Plan Map.

The request is not proposed to correct an error or mistake in the plan text or map; rather it is proposed to address the State requirement.

All of the above factors were consciously considered; therefore, Criterion "4" is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

The proposed text change will allow a homeowner to add a detached ADU to their property. The City is anticipating the actual development of ADU's to be slow based on the generally slower trends the Portland Metro area has seen in suburban areas as compared with Portland. The idea is to feather in new populations where they already exist. As such, the impact to schools should be minimal. Additionally, the text change is required by State Law.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules.

The change is the result of the revision to State Law. Of the 19 statewide planning goals, Planning staff determined that Goal 10 is highly applicable, as it is the Housing Goal. Other Goals are somewhat applicable, such as Agriculture (Goal 3), Forest Lands (Goal 4), Natural Resources (Goal 5), and Air, Water and Natural Hazards (Goal 7), because the use of ADU's will help protect agriculture and resources by building in areas that are already urbanized.

Goal 10, the Housing Goal, is implemented through the Comprehensive Plan. The proposed text

change is consistent with the Comprehensive Plan, therefore, they are consistent with the State Goals as well. Goal 10 also suggests that incentives be used to help stimulate rehabilitation of housing, to increase density in creative ways, reduce impacts to the City, build where capacity already exists, and most importantly, requires consideration of impacts to lower income households. The proposed text changes will permit ADU's which will positively implement each of these required Goal 10 provisions.

The proposed changes are highly compatible with the Oregon Revised Statutes revised through SB1051 as the text changes are implementing these recent ORS additions.

The PTA is consistent with Statewide Planning Goals 3, 4, 5, 7 and 10; therefore, Criterion "6" is met.

7. Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

The Urban Growth Management Functional Plan (UGMFP), codified in Metro Code 3.07. Title 1 pertains specifically the housing capacity needs in the Metro area and each Cities reasonability to accommodate the 'fair-share' of housing need. Title 1 Section 3.07.120(g) echoes the new State requirement for ADU's explaining:

A city or county shall authorize the establishment of at least one accessory dwelling unit for each detached single-family dwelling unit in each zone that authorizes detached single-family dwellings. The authorization may be subject to reasonable regulation for siting and design purposes.

The PTA is highly consistent with this provision and the Metro Plan.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

The proposed text change will potentially add ADU's throughout the City. Should every single-family home add an ADU the traffic could be impacted. However, it is important to understand that not all existing single-family homes will be able to add an ADU. Standards like lot coverage, parking requirements, setbacks and other standards will limit possible placement of ADU's. Some lots may not be able to accommodate an ADU at all. Because the specific placement of the future ADU's are not known, nor can the City estimate the quantity of units that will be constructed, no specific traffic analysis is possible at this time. Placing ADU's where homes exist will help assure access to transit. Also, allowing them anywhere single-family homes are permitted will help spread them out throughout the City and not concentrate them in one location. This will dilute the possible traffic impacts. The City does not anticipate substantial traffic impacts based on the proposed text amendments.

9. Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

The ADU's are only permitted where an existing single family home is already connected to utilities such as water and sewer. Any on site water management issues or concerns will be addressed by the building department through the building permit process, same as any other single family development. The code previously required all ADU's to hook up to the main dwelling's utilities. That has not been changed. A new ADU is not permitted to have individual connections to any utilities. While the addition of an ADU will increase the volume of the utilities used on site, there will be no need for new connections. Additionally, because they will be smaller than the main house, they will be using less utilities than a standard home, thus increasing the efficiency per person overall. Lastly, it should be re-emphasized that this is a State requirement.

10. The applicant has entered into a development agreement.

(a) This criterion shall apply only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9).

As the PTA is not property-specific and the applicant (the City of Tualatin) has not entered into an associated development agreement, Criterion "10" is not applicable.

Exhibits

Exhibit 1- Tualatin Housing Inventory August 2017



MEMORANDUM

DATE: August 2, 2017

TO: Alice Cannon
Assistant City Manager
CITY OF TUALATIN

FROM: Jerry Johnson
JOHNSON ECONOMICS, LLC

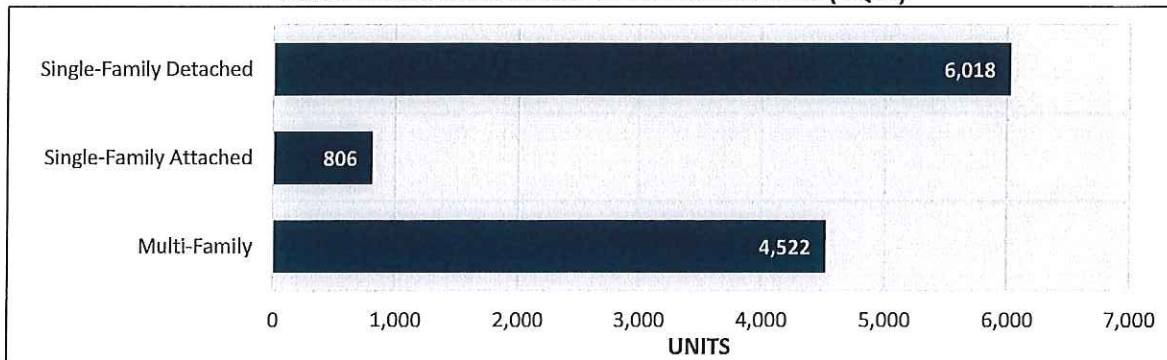
SUBJECT: Tualatin Housing Inventory

JOHNSON ECONOMICS was retained by the City of Tualatin to collect and analyze data on Tualatin's housing stock in order to inform a discussion regarding housing availability and affordability within the city. This memo presents the data and the sources used in the collection process.

INVENTORY

We estimate that the City of Tualatin currently has a total inventory of 11,346 residential units. Of these, 53% are single-family detached units; 7% are single-family attached units; and 40% are multi-family units. The figures are derived from geocoded taxlot data (Oct 2016), provided by Metro.

FIGURE 1: HOUSING INVENTORY BY TYPE OF STRUCTURE (4Q16)



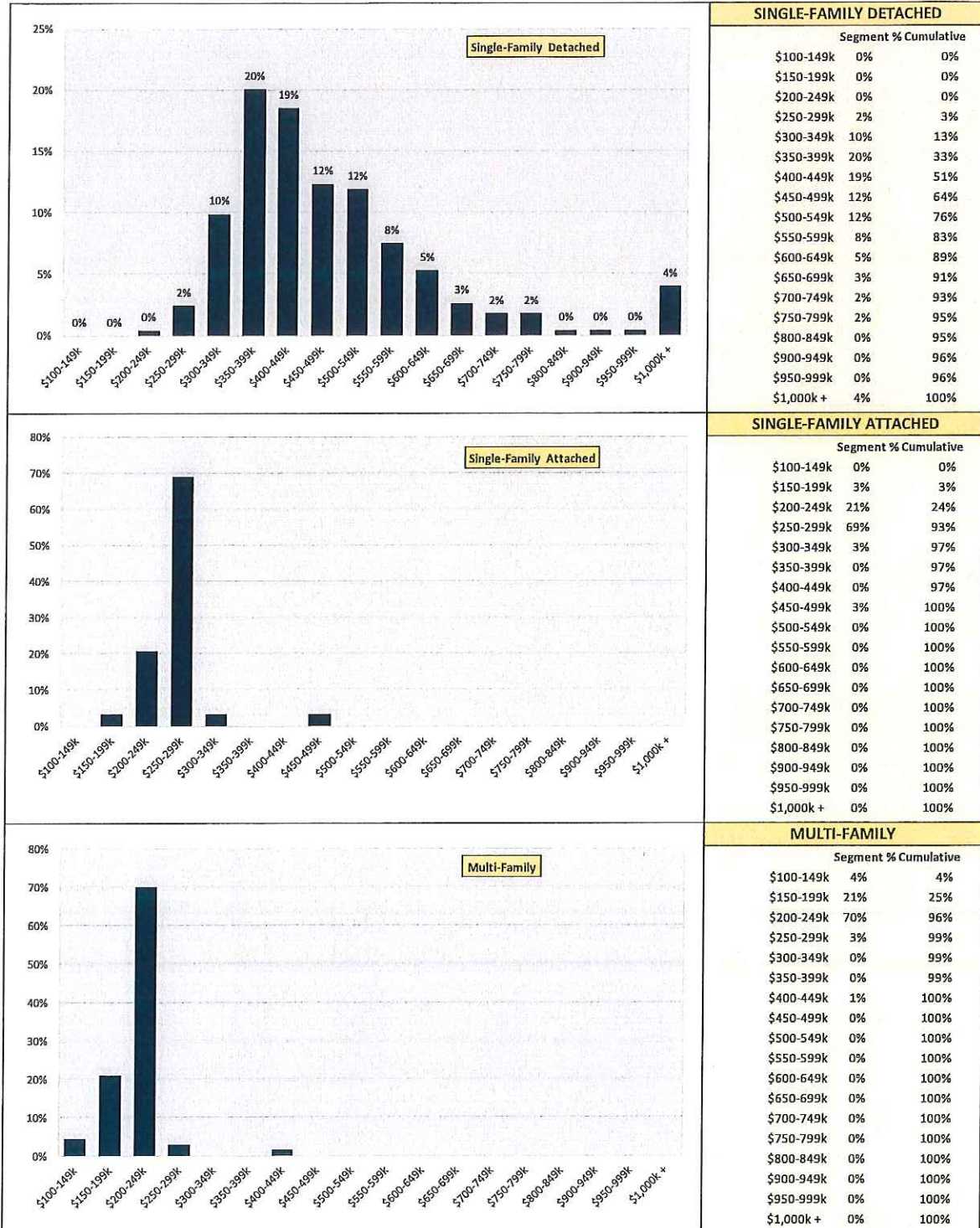
SOURCE: Metro, Washington County, JOHNSON ECONOMICS

PRICE LEVELS

The charts included on the following two pages display the price distribution in Tualatin for ownership and rental housing by type of structure. Sales prices are based on transactions from the past 12 months, recorded in the RMLS system, including active and pending listings. Single-family rents are based on listings on various online platforms from the past three years, collected by Rainmaker, adjusted to current levels via a rent index developed from average rents in the Tigard-Tualatin-Sherwood market, as reported by Multifamily NW. Multi-family rents were collected by JOHNSON ECONOMICS for this analysis through a survey of 23 multi-family projects, covering 89% of the city's multi-family rental stock.



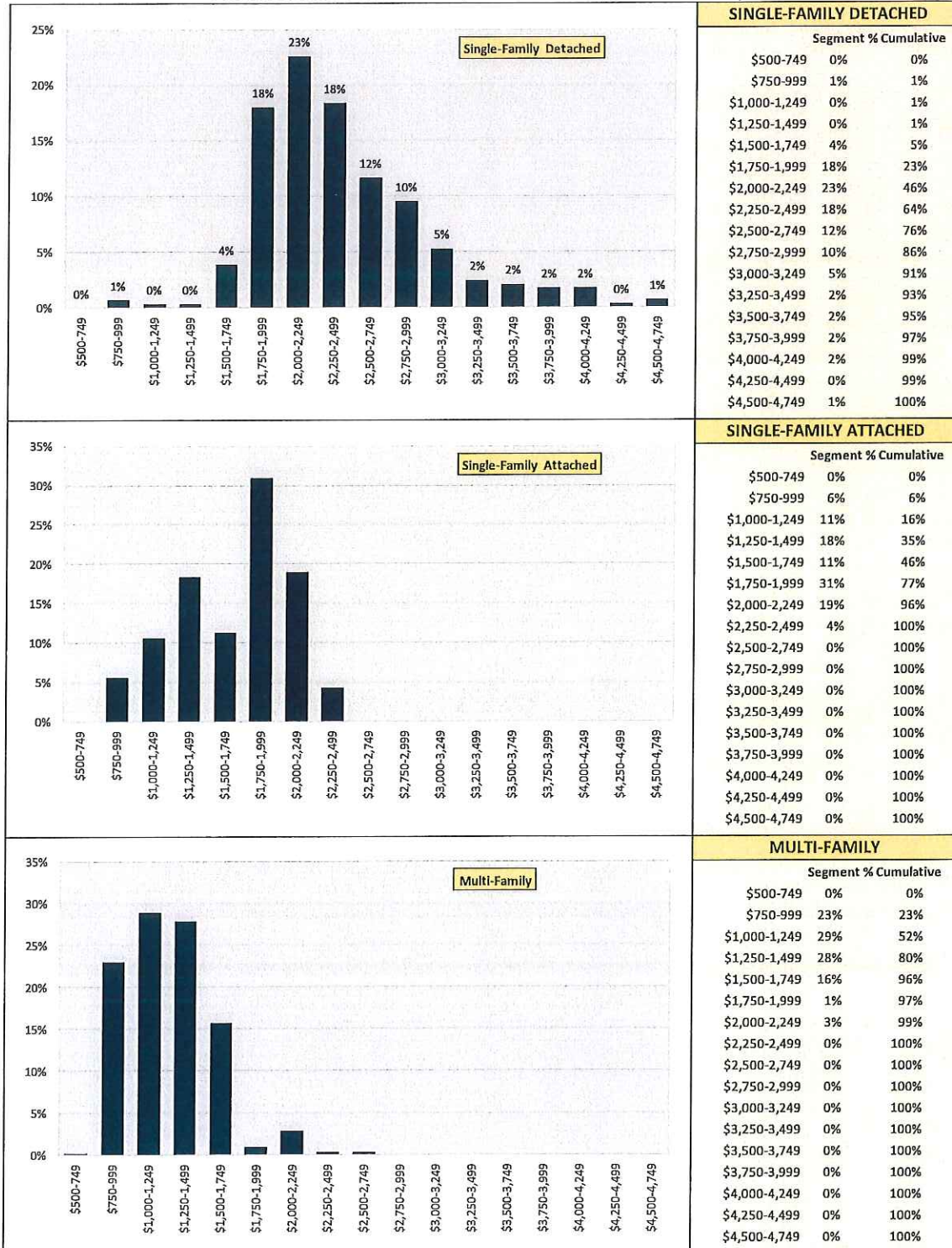
FIGURE 2: PRICE DISTRIBUTION, OWNERSHIP HOMES, BY HOUSING TYPE



SOURCE: RMLS, Metro, JOHNSON ECONOMICS



FIGURE 3: RENT DISTRIBUTION, RENTAL HOMES, BY HOUSING TYPE



SOURCE: Rainmaker, property managers, property websites, CoStar, Metro, JOHNSON ECONOMICS



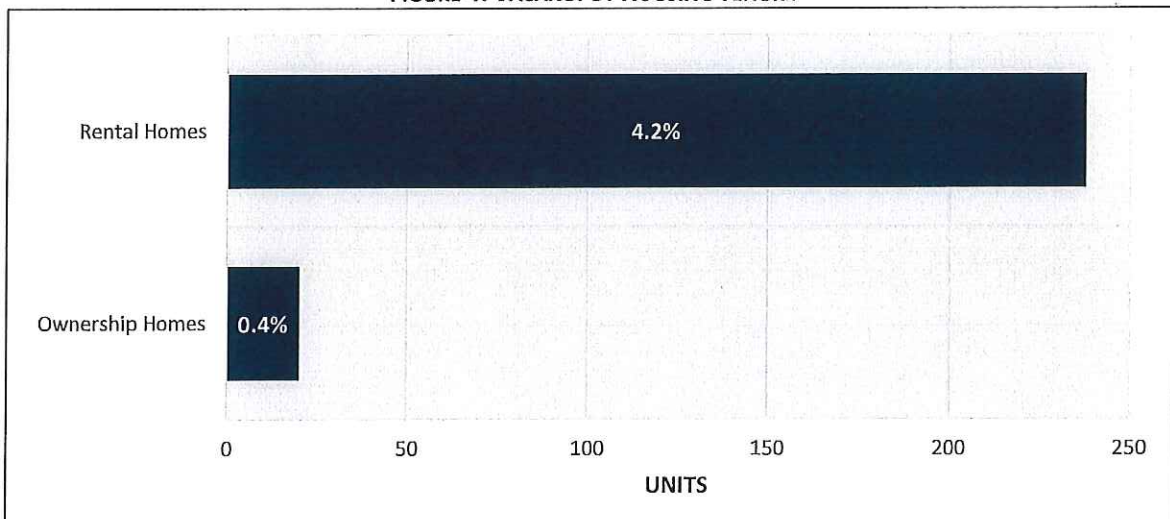
For ownership housing, the single family attached classification includes townhomes and duplexes with a common wall. The multi-family category represents condominiums. These same definitions apply to the rental units, with multi-family units largely reflecting traditional rental apartments.

VACANCY

Based on our survey of apartment projects in Tualatin, which represents 89% of all multi-family rentals and 69% of the entire rental stock in the city, we estimate that there are around 240 vacant units available for rent in Tualatin. These represent a vacancy rate of 4.2%, somewhat lower than what is considered a balanced market. If we exclude the newly opened River Ridge Apartments, which had 100 vacant units at the time of our survey, the vacancy rate is 2.8%.

Within the ownership segment, the best measure of vacancy is the Census Bureau's American Community Survey, which in its most recent dataset (2011-15) reports 20 units vacant and available for sale within Tualatin. This represents 0.4% of the total stock of ownership housing. For context, 45 ownership homes are currently listed for sale in the city.

FIGURE 4: VACANCY BY HOUSING TENURE



SOURCE: Metro, Washington County, JOHNSON ECONOMICS

REGULATED AFFORDABLE HOUSING

Based on data from HUD and Oregon Housing and Community Services (OHCS), there are three regulated affordable housing projects in Tualatin. These are Woodridge Apartments (264 units), Tualatin Meadows (240 units), and Terrace View Apartments (100 units). Together, the properties total 604 units, accounting for 11% of the city's rental stock. All three projects are restricted to households with incomes below 60% of the area's median family income (MFI).

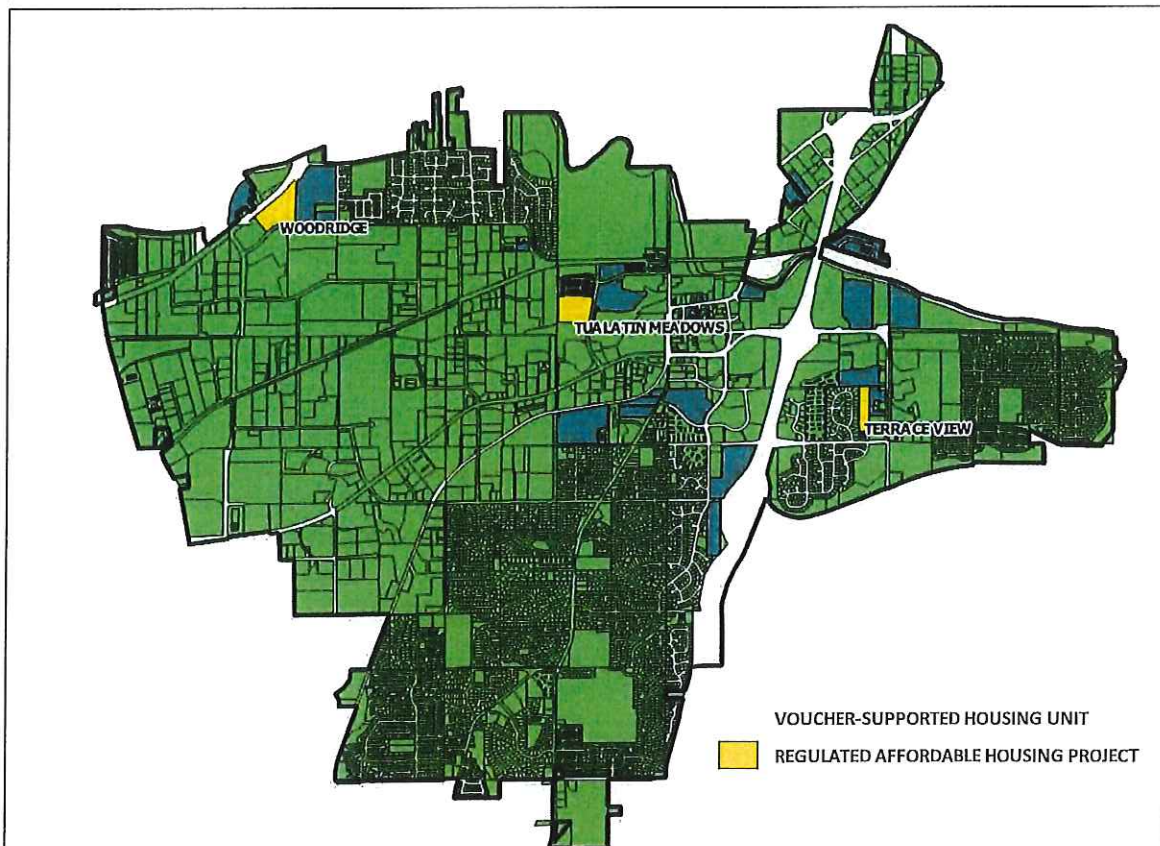


According to the Washington County Department of Housing Services, Tualatin currently has 127 households receiving Section 8 housing vouchers. The Oregon Section 8 (Housing Choice Voucher) Program is a federally sponsored program that helps low-income households in the state of Oregon to find and pay for affordable housing. The program operates on a free to choose basis where the participants are issued with a housing choice voucher and are free to choose a housing unit of their choice provided it meets the programs health and safety measures. To qualify for the program, applicants must typically have an income that is less than 50% of the area's median income. Applicants must also be residents of the state of Oregon and either US national or registered legal aliens.

The following map displays the locations of the three regulated apartment properties in the city.

FIGURE 5: REGULATED AFFORDABLE HOUSING

NAME	ADDRESS	YEAR BUILT	TYPE	AFFORDABILITY	UNITS
WOODRIDGE APARTMENTS	11999 SW TUALATIN RD	2002	LIHTC	60% MFI	264
TUALATIN MEADOWS	18755 SW 90TH AVE	2000	LIHTC	60% MFI	240
TERRACE VIEW APARTMENTS	6685 SW SAGERT ST	1977	LIHTC	60% MFI	100
TOTAL					604



SOURCE: OHCS, Metro, JOHNSON ECONOMICS